

HILL AND KNOWLTON, INC.
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Kansas City Lawsuit
Special PR No. K3-62
Tuesday, June 19, 1962

Ross vs. Philip Morris, Inc.

John T. Ross, the plaintiff, was on the stand almost all Tuesday and was undergoing cross examination when court recessed. He is expected to return Wednesday to the witness stand.

Ross said he was attracted to Philip Morris cigarettes by the company's radio commercials about 1933. In 1936 he began to notice Philip Morris advertisements in Kansas City newspapers and national magazines, he said. His attorney, Lyman Field, introduced in evidence a number of Philip Morris ads that appeared between 1936 and 1944 in Kansas City newspapers and in Time magazine and the Saturday Evening Post. Ross said he remembered each ad very well and relied completely on their claims that Philip Morris cigarettes would not cause any throat irritation. He said he never had any trouble with his throat until the summer of 1951.

He was treated by local physicians, he said, and in January 1962 went to Dr. John Knight, Kansas City throat specialist, who performed a laryngoscopy and biopsy. The next month, he said, he went to the Mayo Clinic, Rochester, Minn., where Dr. Kenneth Devine operated on him for cancer.

Ross showed the jury the hole in his neck through which he breathes and the extent of surgery on his neck muscles. He said he later attended a special clinic in Boston in an effort to learn esophageal speech, but was unable to do so. He speaks with the aid of an electrical device placed against his throat.

Ross's testimony was interrupted briefly for testimony by Dr. James Kenna, his pastor at the time of his 1952 operation. Dr. Kenna said Ross and his family had been active church members and that he never had heard that Ross drank.

In cross examination, David Hardy, defense attorney, used court records and other documents to bring out numerous discrepancies and contradictions in Ross's testimony.

For example, Ross said his first marriage in 1921 in California was annulled six months later in Kansas City. Documents produced by Hardy showed a divorce was granted in 1926.

Ross said he was married again in 1925 and that a child was born in February 1926. But documents showed that a child was born to Ross and Geraldine Morris in February 1925 and that they actually were married in 1927.

Other certified documents showed that Ross sued for divorce in 1932, saying his wife had left him in 1925 after three months of marriage and that there were no children. Ross said he had forgotten that Geraldine had filed for divorce in 1927 in California. He said she died in 1936.

Field objected to this line of questioning by Hardy but Judge Floyd Gibson said it was permissible in regard to establishing the witness's credibility.

Other discrepancies -- wrong dates, omitted information etc. -- were brought out in cross examination. Ross did not recall the name of his first wife or the date of his second marriage.

But, he said, while he had forgotten much of the material and events on which he was being questioned, he did remember clearly the themes, slogans and contents of the various Philip Morris advertisements shown him by his attorney.

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The two Kansas City newspapers, the Star and the Times, have carried stories on the trial to date.

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